PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-475-A The undersigned, legal wner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __ 1802_3.C.1 and 301_1 __ To allow an open deck to project____ more than the permitted 25% into the required rear yard setback; a rear setback of 15 feet in lieu of the required 22.5 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) we bought the subject property for complete one-level living in our later years and said from the start that we would replace the den window with a door for access to a backyard deck. There would replace the den window with a door for access to a packyard deck. There are other decks in the Charlesbrooke community and when the time came the Architectural Committee approved of the professional plans. No one in a two-year period sail we would need permission for a zoning variance until the contractor period sail we would need permission for a zoning variance until the contractor and the last illness and I period sail we would need permission for a zoning variance until the contractor applied for a permit. In that period my husband endured his last illness and I learned how helpful a deck could have been; he could not have managed steps down to a patic (the alternative). Originally I planned a deck off the den and a patic off the sunroom, but would now like two decks, the first at (cont'd on back) tio off the sunroom, but would now like two decks, the grant at (cont'd on back) are rescribed by Zoning Regulations. bove Variance advertising, posting, etc., upon filing of this to be bound by the zoning regulations and restrictions of the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Alice W. Muth (Type or Print Name) (Type or Print Name) N- 37,960 109 Charlesbrooke Road City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Raltimore County, this _____ day of ARCH, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning but Baltimore County, that property be posted, and that the public hearing be had before the Zoning but Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of ____ April 100, county once bullening in 100, battlinore Zoning Commissioner of Baltimore County ESTIMATED LENGTH OF HEARING (-1/2HB) AVAILABLE FOR HEARING (over)
MON./TUES./WED. - NEXT TWO MORTHS *322 Zoning Description On the south side of Charlesbrooke Road, 197' southwest of Erwood Court known as Lot 14, Section 1 Plat 2 of Charlesbrooke at Pinehurst.

SW/S Charlesbrook Road, 262' W of Erwood Court (109 Charlesbrook Road) 9th Election District 4th Councilmanic District

DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 88-475-A

Alice W. Muth Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an open deck to project more than the permitted 25% into the required rear yard setback and a rear yard setback of 15 feet in lieu of the required 22.5 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 109 Charlesbrook Road, is zoned D.R. 3.5. The Petitioner testified that due to the lay of the land and the position of the house on the lot, a deck of useable size could not be built without the requested variance. The Petitioner introduced three letters of support from adjoining neighbors in support of her Petition.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deruty Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Date: 6/1/88

Me. Alice W. Muth 109 Charlesbrooks Road Towson, Maryland 21204 Res Petition for Zoning Variance

CASE NUMBERS 88-475-A SuS Cherlesbrooks Food, 282' W Erwood Court (109 Charlesbrooke Road) 9th Election District - 4th Councilmenic District Petitioner(s): Alice W. Muth

Dear Ma. Muths

Please be advised that 100.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111. Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

a and post set(s), there BALTIMORE COUNTY, MARYLAND # for each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R. 01-611-000 AMOUNT \$ 100.31 RECEIVED (Vinc 9) Muth

8157 ... 100951a dutat VALIDATION OR SIGNATURE OF CASHIER would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of June, 1988 that the Petition for Zoning Variance to permit an open deck to project more than the permitted 25% into the required rear yard setback and a rear yard setback of 15 feet in lieu of the required 22.5 feet, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the applicable appellate process from this Order has expired. If for whatever reason this Order is reversed. the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > an MNon know, a ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

The Zoning Communicater of Baltamore County, by authority of the Zoning Act and Regulations of Baltamore County will hold a public hearing on the property identified brewn in Room 10s of the County Office Building, lucated at 111 W. Chenapeake Avenue in Towner, Maryland as follows:

Pressure for Zoning Variance Case number 88-05-A 5W3 Charlesbrusha Road, 262

brooks Road)
Th Listner District —

4th Councilmant District Pritturer(s): Alice W. Muth Hearing Date: Friday, April 1 1998 at 940 a.m. yes

Variance to allow an open deck to project more than the personned 25%

of the required reas yard serback, a mer ariback of 15 feet in hew of the

required 22.5 feet. In the event that this Petition is

granted, a building permit may be bound within the thirty (30) day ap-

prel period. The Zoning Commis-

motor will, however, entertain and request for a stay of the tenuance of

and permit during this period for good cause shown, Such tropies must be in writing and received in the office by the date of the hearing

NOTICE OF HEARING

The Zenneg Communities of Bal-mercer County, by authority of the Zening Act and Regulatories of Balt-more County will hold a public horing on the property identified herein in Room 106 of the County Office Building, healed at 111 W Chesaprake Avenue in Townon, Maryland as hillows.

I ROWERT HAINES

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on april 14, 10 88

THE JEFFERSONIAN,

Gusan Sender Obrest

CERTIFICATE OF PUBLICATION

TOWSON, MD. (pull 13 19 88 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____successive weeks, the first publication appearing on - april 13 19.88 TOWSON TIMES.

Susan Sudus Obrect

\$ 23.30

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 494-3353

J. Robert Haines

June 7. 1988

RE: PETITION FOR ZONING VARIANCE SW/S Charlesbrook Road, 262' W of Erwood Court 9th Election District; 4th Councilmanic District Case No. 88-475-A

Dear Ms. Muth:

Enclosure

Ms. Alice Muth

109 Charlesbrook Road

Towson, Maryland 21204

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> Very truly yours, a M Nookoning ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

CERTIFICATE OF POSTENG ZONING CEPARTMENT OF BALTIMORE COUNTY 85-475-17

Posted for: 2 ALLANCE Posted for: LAILANGE Postioner: Children W. Mathe Location of property: 5. W/S Charles French, 262 W. Reward Location of Signe De facilistic of 109 Charles Road Location of Signe De facilistic of 109 Charles Road Date of return 20134 26.1287

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 191 3353

J. Robert Haines

April 13, 1988

NOTICE OF HEARING

Dennis F. Rasmusson

(Postponed from April 29, 1988) The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111

W. Chesapeake Avenue in Towson, Maryland as follows:

Petition For Zoning Veriance CASE NUMBER: 86-475-A SWS Charlesbrooke Road, 282° W Erwood Court (109 Charlesbrooks Road) 9th Election District - 4th Councilmanic District Petitioner(a): Alice W. Muth HEARING SCHEDULED: FRIDAY, JUNE 3, 1988 at 11:00 a.m.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Alice M. Muth

tunes ssioner of

Donnis F. Rasmusson County Executive

Maryland as Inflores.
Petition for Zonard Variance
Case mustiber 30-475-A
SMS Charlesbrouke Road, 2h2
W Erroral Court
(109 Charlesbrouke Road)
wh Election District
6th Councilmant Duarict
Petitionerial Alice W. Muth
Hearing Date: Friday
April 29, 1988 at 9:08 a.m.
Warnery to allow an open deck
musted must than the permetted 25 Variance to allow an open circle to project more than the persented 25% of the required rear yard archeck, a rear nethack of 15 inch in here of the required 22.5 heat.

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Baltimore County. Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 88-475-A SWS Charlesbrooke Road, 262 W Erwood Court (109 Charlesbrooke Road) Sth Election District - 4th Councilmanic District Petitioner(s): Alice W. Muth HEARING SCHEDULED: FRIDAY, APRIL 29, 1988 at 9:00 a.m.

Variance to allow an open deck to project more than the permitted 25% of the required rear yard setback; a rear setback of 15 feet in lieu of the required 22.5 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County cc: Alice W. Muth



CHARLESBROOKE

July 31, 1987

Mrs. Alice Muth 109 Charlesbrooke Road Baltimore, MD 21212

Dear Mrs. Muth:

The Architectural and Environmental Controls Committee has met and discussed your request to add a deck and flagstone patio to the rear of your house and landscape around it as per the plan submitted.

The Committee has approved your request as presented with the understanding that you will obtain any necessary permits.

The Committee thanks you for your cooperation in this matter.

Yours very truly,

Landra Garington Sandra G. Arrington, Chairman Architectural and Environmental Controls Committee

PETITIONERS EXHIBIT_

To: Zoning Commissioner

From: Alice W. Huth

Subject: Petition for Zoning Variance, 3/3/88 for 109 Charlesbrooks Road

Attached are the letters I sent to my immediate neighbors along with copies of the property plat ten of which are presented with this peti-

Letters went to all three couples, but upon my return from a two-week trip I found that one had been put in my doorway and had somehow disappeared. That letter was just like the others and as a substitute for it, Mrs. Murrhy wrote in a note what she said she had written origin-

It seems appropriate to add the following information:

Along the property line between my back yard and the back yard of Lot 17 (and entirely within Lot 17) is a low stone wall and immediately back of it is a row of pine trees at least seven feet tall. The wall and the trees run the full length of my back yard and the trees conpletely block the view from one yard to another.

I would have discussed this petition and its contents with the people across the street on Lot 46, but its owner died about a year ago and as far as I know the estate has yet to be settled and the house has yet to be newly occupied. Additionally, its residents would find it impossible to see the decks in question without making a special effort



Plat for Zoning Variance Owner: Alice W. Huth District 9, Zoned DR 3,5 Subdivision: Charlesbrooke Lot 14 on the Plat of "Section 1, Plat 2, Charlesbrooke at Pinehurst" in Baltimore County Plat Records, Plat Book SUBJECT PROFERTY No. 38, Folio 14, improvementsthereon being known as 109 Charlesbrooke Road (a private road) Lot on SW side of Road, 110.29 SUBJECT wide in the rear, 79.09' across the front, 124 deep in the center, a total of .2645 acres Located about 975' from the nearest public road (Bellona Ave, to the east) about 1200' from Charles St. to the west and about 225' from Midhurst Ri to the south; Meymouth Rd, also in the Charlesbrooke community, is the only intersecting road. Improvements on | BALTIMORE Lot 14 consist of one house, a Care Co. model with enclosed 2 car garage and, behind it on the SI corner, an enclose sunroom with an exercise mool. Variand is sought for two back yard decks (one at 1st floor level with access from the "den" door, one 5"-8" above the ground VICINITY M.P. Scale 1:500' with access from sunroom doors), each 15' deep. SECTION Scale 1":50 R:2000' L-6283 N89°250 102001 Ac. DRAINAGE. 10 Drainage 10/Utility Ensement 12382

LOT 15

109 Charlesbrooke Road Baltimore, Maryland 21212 February 15, 1988

Dear Aileen and John -

After all these months I am finally getting to the job of asking for a zoning variance so that I can have two decks in the back yard rather than two paties.

The enclosure shows the lots of this house and its immediate neighbors, an outline of this house, an indication of the deck plans and fairly reliable renditions of the positions of my neighbors' houses relative to mine.

As you may remember, my original intent was to have a deck off the den (with access to the house on a level with the den doorway) and a patio off the "pool room." Investigation made it evident that a low deck (5" to 6" above the ground) would not only be appreciably cheaper than a patio, it would be preferable: entering the pool room from the yard, or vice versa, is now like stepping over a low fence and a patio would not change that but a deck could be placed so that the pool room was a low step down from the yard.

When all of the planned planting is in place it should be difficult, if not impossible, for you even to see the deck from your property except from your second-floor windows, but I do not want to install anything my neighbors are apprehensive about. Will you therefore talk it over and let me know in a note at the bottom of this letter what your opinions are? You can then either put it in the mail or put it in my front doorway between the storm and main doors.

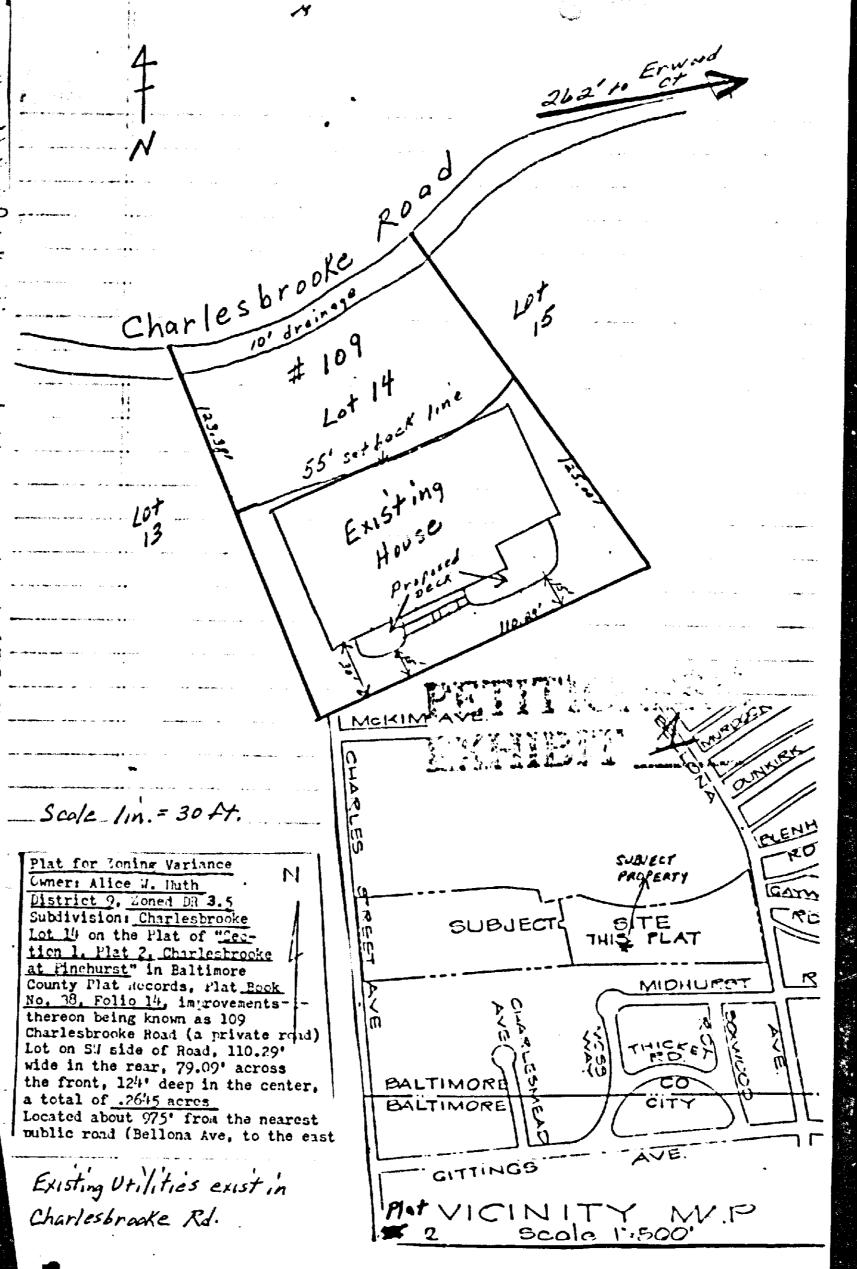
I'd very much appreciate your doing that by March 1. I get home that night from a two-week stay on a little island 90 miles north officiti (where a friend has a house) and two days later I am scheduled to take all appropriate materials to the zoning office.

If you would like to see the landscape architect's plans, plants and all, and withhold judgment until then, please feel free to say so. I'll bring them around on March 2.

The Murphys and the Mazzullis will be receiving an identical letter except for this sentence.

Thank you for your time and trouble!

With best regards -





109 Charlesbrooke Road Baltimore, Maryland 21212 February 15, 1988

Dear Mr. and Mrs. Mazzulli -

After all these months I am finally getting to the job of asking for a zoning variance so that I can have two lecks in the back yard rather than two patios.

The enclosure shows the lots of this house and its immediate neighbors, an outline of this house, an indication of the deck plans and fairly reliable renditions of the positions of my neighbors' houses relative to mine.

As you may remember, my original intent was to have a deck off the den (with access to the house on a level with the den doorway) and a ratio off the "pool room." Investigation made it evident that a low deck (5" to 6" above the ground) would not only be appreciably cheaper than a patio, it would be preferable: entering the mool room from the yard, or vice versa, is now like stepping over a low fence and a ratio would not change that but a deck could be placed so that the pool room was a low step down from the yard.

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The Bolgianos and the Eurphys will be receiving an identical letter except for

Thank you for your time and trouble!

With best regards -

Everything linds fine. with us Hood buck with Construction.

3/1/88

Barry I are hapeful that all well go as planned for your two clocks. We the oppresente your sharing the plane and look forward to plane and look forward to Saturday Evening Cachetails Sencirely: De Erra, Murphy 107 Charlestorooke Kil. at 6:00!

N89° 25' 00' E

#322

88-475-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

J. Robert Haines

B. ROBERT HAINES

Petitioner Alice W. Mrth Petitioner's

Attorney

Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towner, Maryland

District 9 This Posted for: Variance N	Date of Posting May 13, 1988.
Petitioner: Glice Charles	brooke Road, 262 W. Bruced.
Court (109 Charlestron Location of Signs: In front of	he Road) 109 Charlestroope Road)
Remarks: (Posted by S. J. Anatra Signature	Date of return: May 22, 1988

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 22, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave Towson, Maryland 212

Department of

State Roads Commissio

Health Department

Project Planning
Building Department

Board of Education

Industrial Development

Zoning Administration

Ms. Alice W. Muth 109 Charlesbrooke Road Towson, Maryland 21204

> RE: Item No. 322 - Case No. 88-475-A Petitioner: Alice W. Muth Petition for Zoning Variance

Bureau of Dear Ms. Muth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

March 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Re: Property Owner: Alice W. Muth

Dennis F. Rasmussen

Location: SW/S Charlesbrooke Rd., 262' W. of Erwood Ct.

Item No.: 322

Zoning Agenda: Meeting of 3/15/88

Gentlemen:

Paul H. Reincke

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Phinning Group

Special Inspect on Division

Fire Prevention Burgay

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines	
TO Zoning Commissioner	April 13, 1988

P. David Fields
FROM Director of Planning and Zoning
Zoning Petition Nos. 88-465-SpHA,
88-466-SpH, 88-468-SpHXA, 88-470-A,
SUBJECT 88-472-A, 88-473-A, 88-475-A

There are no comprehensive planning factors requiring comment on this petition.

David Fields Thomas Trector

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel File

) ecenve

ZONING OFFICE

cc: alice W. Math

CPS-008 4.18.88